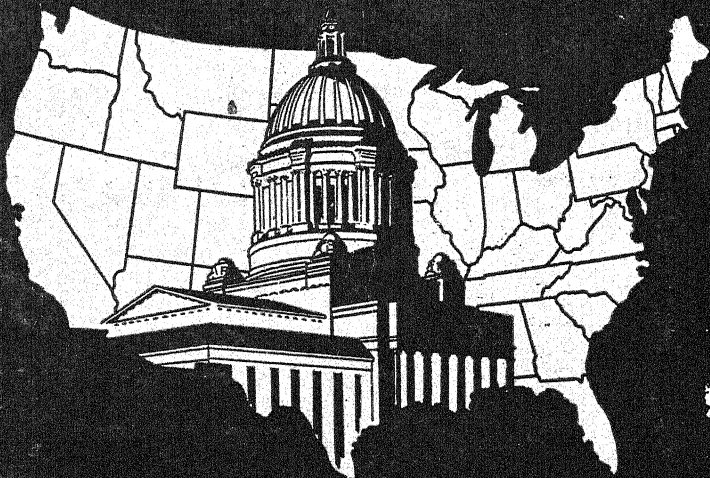


KNOW YOUR STATE

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League of Women Voters

—a nonpartisan organization established in 1920 to encourage citizen participation in government—



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CONTENTS

Introduction

- I. Constitution
- II. Political Parties and Elections
- III. Legislature
- IV. Governor
- V. State Administration
- VI. Merit System
- VII. Fiscal Management
- VIII. State-Local Relations
- IX. Education
- X. Public Welfare
- XI. The System of Courts

Selected References

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INTRODUCTION

ONE of the most important principles upon which the League of Women Voters operates is that of coming to considered opinions about government—carefully studying all the facets of a problem before taking action—and being jealous of our reputation of always knowing what we are talking about. One of the ways to accomplish this within the League has been for many years the thorough examination of the structure of government at every level. Thousands have profitably used the outlines, “KNOW YOUR TOWN’S FUTURE,” “KNOW YOUR SCHOOL SYSTEM,”* “KNOW YOUR COUNTY,” and their predecessors, to collect the basic background information which is essential before suggestions for improvements can be made.

“KNOW YOUR STATE” has been prepared in answer to many League requests for an outline of the pressing problems in the operation of state government. It can by no means be considered a complete questionnaire which will produce all the answers. It will, however, give direction to those who want a look at structure and administration of state government. As you go along you will think of many more questions to ask. We have intentionally excluded almost all of the functions of state government and concentrated on the structure within which your state operates.

League background in local government, particularly in connection with city manager campaigns, and at the national level in our work on the reorganization of Congress and the executive branch, has given us experience with some of the basic principles of public administration which are here related to state government. Some of the specific omissions, in the areas we are considering, will seem unfortunate from the point of view of a particular state, but they have been excluded because such questions were not generally applicable. State governments differ in almost every field in almost 48 different ways. It will require some adaptation in every state to make all the

**Out of print at present.*

questions significant ones within your own governmental framework.

The sections on education and public welfare are different from the others and have been included primarily to give examples of how administration in state agencies works at the operating level. These particular fields are, of course, of long term interest to the League of Women Voters.

Use of "KNOW YOUR STATE"

Each state League will have to consider the value and the procedure for doing a know-your-state project. You will wish to undertake this study in a year when it can be given major emphasis. It probably cannot be done unless the whole state is willing to devote considerable time to it and in every case it should be a responsibility of the state board to make a plan for its use. The following suggestions may be of use, but your particular circumstances may make changes in the procedure necessary.

There are two main patterns for obtaining the answers to the factual parts of the outline. The first (and probably the most satisfactory) would be for the state board to set up a committee which would operate under a "KNOW YOUR STATE" chairman. This chairman might be brought on the board for the duration of this project. By dividing the work involved in the various sections among the committee members, the group would compile the information needed by the local Leagues. This body of information should probably not include many answers to the questions of evaluation or to legitimate items for discussion, but would furnish a basis of fact from which the local League could work. Membership education and discussion will come through encouraging small groups to make many of these judgments for themselves.

The form in which the information is to be made available will have to be decided by the state board. One method would be to publish the facts in the state bulletin which goes automatically to every member—thus assuring wide distribution. States without a state bulletin might consider an every member mailing for this specific pur-

pose. An alternative means might be to mimeograph enough copies for local boards and the committees handling the project at the local level. The state committee might want to prepare discussion outlines for use by the local Leagues which will point up the special problems in that state.

An alternative and less satisfactory form of procedure would be for the state board or a committee appointed by the board to assign the different sections to different local Leagues. This method will require very close supervision and coordination by the state board. For best results, the state chairman of the project must visit the local Leagues who are participating and work with them at some length so that the final product will be a coordinated body of useful information for League purposes. The use of this method would depend in some states on geographic factors. It has the disadvantage in many states of having some Leagues too far from the sources of information to be of much help with the project. The project would remain the responsibility of the board and a Know Your State chairman, and the planning for collection and the distribution of the information would be done at the state level.

One of the advantages of a Know-Your-State study is that it furnishes the opportunity to impress upon your state officials the interest and methods of the League. Oftentimes mere expression of interest in some of their problems is enough to accomplish some tangible gains. In any case, it is an important part of League public relations that interviews and other contacts be handled well. It should be a primary consideration of the League in planning for the project that officers of the state government be spared as much unnecessary inquiry as possible. It would seem wise therefore to assign the responsibility for obtaining the factual answers to those questions to be asked of a single state official to a group of two or three individuals, to do the interviewing and to speak in the name of the League. In no case should each separate local League ask identical questions from busy administrators or legislators.

The bibliography has been purposely limited to a small number of recent materials. Other basic texts on state

government will also be useful as yardsticks in measuring your state's performance. The annual "*Book of the States*" gives many of the statistics you will need to see where your state ranks in various fields. Some states also publish official manuals which will be useful.

This outline is intended as a tool for state Leagues to prepare their membership with fundamental background information about state government. It should be useful in state program-making since, after a thorough Know-Your-State study, the weaknesses in the structure of your state government should be more readily apparent. Membership discussion should furnish the groundwork for a fruitful debate at the state convention when the state program making process is culminated by the adoption of current items. A compilation of League conclusions can also be used in orienting new members, and if kept up to date can be a constant tool of League membership work.

One word of warning—many Leagues have been considering periodic publication of handbooks on the government of their state. This project of furnishing an easy reference source of pertinent state data has much in its favor. "KNOW YOUR STATE," however, is not an outline for such a handbook since it concentrates on the issues where controversy or poor practice are most prevalent.

I.

CONSTITUTION

How recently has your constitution been revised?

What is the amending process and how often has it been used? Have you had a convention to reconsider the whole document in the past twenty years or have changes been made piecemeal?

Are many of its provisions now circumvented to avoid going through the cumbersome process of constitutional change?

To what extent is the constitution a statement of basic principles and to what extent does it contain detailed provisions more appropriate to statutory law? In other words, does it contain the broad outlines of public policy or include detailed legislation as well?

Compare your constitution with the model state Constitution prepared by the National Municipal League.* What are the outstanding differences? In what ways would it have to be adapted to be suitable for your state?

* *Model State Constitution*, National Municipal League.

II.

POLITICAL PARTIES AND ELECTIONS

What is the organizational structure of the major parties in your state? How is party leadership chosen? Who makes policy decisions? Is there any recruitment of younger people into the party structure? What is the reason for national party lines to determine state political line-ups? Don't the issues differ? What state laws control the operation of the parties?

How are nominations made for public offices? Do you have a direct primary for most positions? If not, would it be desirable and possible? If nominations are by convention, what is the procedure for a convention? Do you have nomination by petition?

How are you assured a secret vote? Are voting machines permissible under state law? Are they used extensively? If they are not used, what is the possibility of their acceptance? From what quarters will opposition come?

How many offices are filled by state ballot? Are these few enough for the citizen to know his candidates? Has there ever been a campaign for a short ballot in your state? What offices would you suggest filling by some other means than election?

Do you have initiative and referendum measures on the ballot? How many? To what extent are these desirable? Do citizens know more about the issues and vote in a more informed way than would the state legislature after the benefit of deliberation?

What are the qualifications for voting in your state? Are the requirements more rigidly enforced in some instances than others? What are the requirements for supervision of election officials?

Do you have permanent registration in most of your communities? Would this be desirable?

III.

LEGISLATURE

What is the size of your legislature? Is it large enough to be representative of the varying points of view within the state? Is it too large for adequate deliberation? Do you have two houses in the legislature? If so, what purpose does this duplication serve?

How often does the legislature meet? What are the requirements about calling a special session? Are there limitations on the length of a session? Are there limitations on the subjects which a special session can consider? Would a freer use of special sessions eliminate the controversy over the question of annual or biennial sessions?

Is there a congested calendar at the end of each session which results in hasty or ill-considered legislation? Do you have a split session in an effort to solve this problem? Is it effective?

Do you have a research committee or legislative council to map out fields of needed legislation between sessions? Is it set up formally or informally? How does it operate? Is such council or commission assisted by a well developed legislative reference service? Does this group or some other steering committee aid in directing the course of legislation throughout the session? What other research assistance such as that the state library can furnish is available to the legislature? Is technical help available at all times to draft bills and provide necessary information on subjects of state concern? Is it used?

Is the prestige of legislators high? Are qualified individuals encouraged to become candidates? What is the term and salary of legislators? How are they paid (per session, per biennium, per diem)? Do the pay provisions limit the flexibility of sessions? Is the amount sufficient to attract qualified candidates? Are they forced because of low salaries to use their political power to augment their incomes?

Do you have a high turnover of legislators? Why? Have you considered lengthening and staggering terms to give continuity to membership in the legislature? Is any effort made to publish a legislative manual, or are other means used to orient new legislators as rapidly as possible?

How many people are represented by one legislator? Does this vary widely? Is there a disproportionate representation of the rural areas in your state? How often does redistricting take place? Does this change the distribution of political power substantially? What are the provisions for redistricting?

What are the steps in the procedure of passing a bill? Do they operate to expedite legislative business? Is there a time limit on the introduction of bills? Does this operate to give committees plenty of time for public hearings and adequate consideration?

How many committees are there? Should they be reduced or reorganized on a subject-matter basis?

Would any of the changes recently made in the U. S. Congress or those recommended by the Council of State Governments improve your legislative processes?

How many persons other than the elected members are employed by the legislature? Is there any merit system or other means to assure continuity of key personnel? Or are they all purely patronage employees? To what extent is this necessary or desirable? Do you see evidence of padding the payrolls?

Do you have an adequate budget for the legislative business? What is the total amount spent? Is there provision for a fiscal officer to supervise legislative expenditures?

Are the rules of legislative procedure reviewed and revised frequently enough to meet changing conditions? Is there a standing committee with this responsibility?

Does your legislature devote much of its time to consideration of detailed local problems? Could the volume of this legislation be reduced by enactment of general,

Has your state provided a special court or agency to dispose of claims against the state or must most claims be passed upon by the legislature?

Have you considered installing electric voting machines? Would this result in a significant saving in legislative time?

References:

Legislative Reference Work in the U. S., Council of State Governments.

Our State Legislatures, 1946, Report of the Committee on Legislative Processes and Procedures, Council of State Governments.

State of New York—*Interim and Final Reports of the New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures*, 1946.

IV.

THE GOVERNOR

To what extent is the governor actually the chief executive of the state? How much of the state's operation is under his direct control? How many administrative offices are filled by election and not subject to his power of removal? Which are they?

Are certain administrative offices filled by election which could be better filled by appointment by the governor or upon the basis of civil service procedures?

Does your legislature or either house have to approve major appointments? Does this sharing of the appointive power give undue emphasis to persons who are politically acceptable to the legislators at the expense of professional experts? Does it hamper the governor by restricting his choice of subordinates and thus make it difficult to hold him responsible for results? Should any administrative positions be accountable to the legislature for approval? If so, which ones?

What is the term of office and salary of the governor? Do these limit his effectiveness? Can he be reelected? Is this governed by a legal restriction or is it a matter of tradition?

Is the governor subject to recall by the public? Does this tend to encourage him to do the popular thing in preference to what may be for the long run public welfare? Do your provisions for impeachment furnish sufficient restraint of the governor without the necessity of making him face the political jeopardy of a recall election?

What is the position of the governor as the political leader of the majority party in the state? What is his influence on the legislature? How do the legislative leaders and the governor work together? Are the relationships between the governor and the legislature generally cordial and cooperative or is there often a tug of war for power?

Do you often have a governor of a different party from the legislature?

Does the governor have the power of item veto of appropriation bills? Does this prevent riders or the introduction of legislation which the governor would otherwise veto by the device of including it in an essential expenditure authorization?

Does the legislature have direct auditing control of executive expenditures? Is this clearly separated from the budget and accounting function?

Does the legislature have the power to appoint investigating commissions to look into the operation of the executive agencies? Has this been used for political baiting or in order to make constructive recommendations and propose improvements in the law under which the agency operates?

How is the office of the governor organized, what staff assistance does he have with respect to problems involving fiscal affairs, administrative management, personnel management, and planning the legislative program?

What background and qualifications have recent governors in your state possessed?

References:

Lipson, Leslie, *The American Governor*

V.

STATE ADMINISTRATION

How are your state administrative functions organized? Are all the functions included in departments whose heads are appointed by the governor and subject to his control?

Is administration decentralized by the election of many of the top-ranking administrative officers or by provision for many independent boards and commissions?

Do you think that departments directly under the control of the governor are more easily held responsible for results than the multiple executives of a board or commission?

Under what conditions is it desirable to share decision-making power between a single administrator and a board? With what type of problems are boards best able to deal? Can the jurisdiction of boards be separated from the routine of administration so the advantages of each type of authority can be realized? (See Leonard D. White, *Introduction to the Study of Public Administration*, The Macmillan Co., New York, p. 89-92.)

How recently has there been an administrative reorganization in your state? What changes and improvements were made at that time?

List the agencies of your state government with functions of each. Which are generally considered to be well administered, which poorly administered? Why? Are deficiencies due to inadequate law to cover the situation, poor execution of the law, or insufficient appropriations to do a good job?

Is there a growing tendency for the legislature to enact broad statements of public policy which must then be put into effect by administrative regulation? Do you find the extreme of too liberal grants of authority with insufficient direction about what is to be done? Or do you have the other extreme of the legislature spelling out the details of

how it is to be done, leaving no room for modification as experience shows it to be necessary?

Do you have a law prescribing the general procedures to be followed by administrative bodies in regulatory work? i.e. by requirements concerning public hearings, reports, and publications of rules and regulations?

Do the various agencies publish reports to the public which are useful to the average citizen?

Do you have a state planning agency responsible to the governor? What are its powers? Is it used as a management tool to assure coordination of the functions of the various state agencies? What does it accomplish?

References:

Public Administration Review—quarterly of the American Society for Public Administration, current issues.

State Government, monthly, Council of State Governments, current issues.

Lynton K. Caldwell, *Perfecting State Administration, 1940-46*, *Public Administration Review*, Winter 1947

VI.

MERIT SYSTEM

Do you have a civil service or merit system law upon which appointments in the state service are based? If you do not have an effective merit system, are steps underway to secure one?

Is your system operating as it was intended when the law was passed or are its principles being evaded? How many of the state employees come under the system? What agencies are excluded? Why? How many temporary or provisional appointees are there? (Five percent should be a maximum.)

Do you have a civil service commission heading your personnel agency? Are its activities confined to questions of policy, with an administrator of personnel directly under the governor to carry on the operation of the agency?

Are appropriations for the agency adequate? (A suggested standard might be one percent of the payroll or \$20 per employee per year.)

Do you limit veterans preference to appointment or do you extend it to promotions and layoff? What other limitations prevent employing the best qualified person for each job? Is it necessary to fill high positions by persons resident of your state? Does this limit your choice of competent specialists?

Does your state provide equal employment opportunity for all qualified applicants without regard to race, sex, or religion.

Does your personnel agency carry on a modern personnel system including the following essentials?

- a. An up-to-date classification system outlining the duties and responsibilities of each position?
- b. A sound pay plan providing equal pay for equal work?

- c. Positive recruitment which seeks out qualified applicants rather than waiting for them to apply for positions?
- d. Selection by competitive examinations, including objective type tests for positions for which this is possible and sound evaluation of background and experience for the higher position?
- e. An effective training and promotion system? .
- f. Provision for employee counseling, health and safety programs?
- g. A sound retirement or pension system?

References:

A Model State Civil Service Law, Civil Service Assembly.

VII.

FISCAL MANAGEMENT

Your state is probably now spending 25 times as much money as in 1902. Why?

Where is it coming from?

What is the total amount spent per year by your state government? How much and what percent of this comes from the following types of taxes?

Income, individual, and corporation?

General sales taxes? Gross receipts tax?

Excise taxes on gasoline, liquor, tobacco, etc.?

Property taxes?

Other revenues?

How many of these sources of income are earmarked for a specific purpose? Why is this undesirable?

On which economic groups does the largest tax burden fall? Do you have a standard assessment procedure through the state to assure equality of treatment between local governmental units?

Has there been any comprehensive study of tax system in your state within the last ten years? Did anything come of it? And what? Does your state have a single tax collection agency or revenue department or is the collection of taxes and other revenues scattered among several officers or departments?

What is the spending procedure?

Do you have a state budget for coordinating the expenditures of the various agencies? Do you have an executive budget developed and submitted by the governor? Does the governor have the power to change these estimates and bring them in line with his policy before they are submitted to the legislature? Is there a central budget agency under direction of the governor to prepare the

state budget? Does it hold hearings at which the agency heads justify their estimates of their expenditures?

Does the budget include estimates of revenue and plans for obtaining it?

Does the legislature act on the budget as a whole or are many separate appropriation bills passed? How many appropriations were necessary in the last session? How many emergency appropriations are usually necessary in a session?

Do you have a central purchasing system so that savings can be made by quantity buying? Are there many agencies that are not required to purchase through it? Does the purchasing agency have the power to standardize common items through the state service? Does your state have a central inventory control system to promote the most economical use of state property and equipment?

How much is your state debt? Is it usually incurred to finance long term capital improvements? Has it been growing in recent years? Was a surplus accumulated during the war? How is it to be used? Is there a requirement that surplus be applied to the state debt?

References:

Hillhouse, A. M. and Muriel Magelssen, *"Where Cities Get Their Money."*

VIII.

STATE-LOCAL RELATIONS

What are your constitutional provisions governing the relations between the state and local governments?

How much control over local affairs do you have? How much can cities and counties do without specific authorization from the legislature?

Are cities and counties classified in terms of population? Is this practice abused so that it results in special legislation applying only to one unit of local government?

Are cities allowed to choose among several types of municipal charter? Once a home-rule charter is adopted can the legislature still make any changes that it sees fit?

Is there a tendency for more and more functions to be carried on at the state level? What are the advantages and disadvantages of centralization? Are your local units permitted to perform some functions jointly or by contract with each other?

In what major fields of local activity is there supervision by state authorities? Are standards of administration set up at the state level? Does the state provide in-service training for local officials in various fields? Does it assist in establishing local merit systems?

Is the state doing anything to decrease the number of units of local government which are too small for efficient administration?

How much of the state budget consists of revenue which is collected centrally and then returned to units of local government? What strings are attached to its use on the local level?

What are the limitations on the taxing power of local governments? If functions are greater locally than are resources available for supporting them, what is the answer to the financing problem? Is state aid a solution?

Or central tax collection and allocation to localities? What are the disadvantages of meeting this problem by increasing the taxing power at the local level? Would taxable wealth be increased by enlarging the area covered by one unit of local government? Does the allocation of state aid perpetuate some archaic units of government?

Is there any group at the state level which is constantly reexamining the problems of state-local relationship?

References:

State-Local Relations, Report of the Committee on State-Local Relations of Council of State Governments, 1947.

IX.

EDUCATION

Why is education a public responsibility? What powers over education are there in your state constitution? Have any been added in recent years? Do you think the state should assume more or less responsibility for education?

Which of its educational functions does the state delegate to the localities? How does the delegation of power vary with types of cities? With counties? With rural communities?

How many and what types of school districts have been established by state law? What is the relation between size of local school administrative units and adequacy of educational opportunities? Has there been a reorganization of school districts in your state in recent years? Do you need one? Why?

Does your state have a single educational agency to carry on all of the functions of education at the state level? If not, how many state educational agencies are there in your state? What are the advantages of having a single agency?

Is your chief state school officer elected or appointed? Are professional qualifications required? Is he responsible to the governor?

Is there a state board of education? How are its members selected? For what terms? Do rulings of the state board of education have the effect of law?

The next two questions deal with the bulk of what the state does about or for education. There is overlapping between the two questions. It is important, however, to ask them separately. In answering the first question you will find out about regulations, and special requirements of state law. You will wish to evaluate them; some of these will seem wise, some may seem unwise and antiquated.

Before final evaluation of the regulations and requirements you will want to answer the next set of questions. Here we are concerned with the state office of education as a staff agency. It recommends, advises, encourages. It provides printed materials pertaining to standards and sets up conferences, and work-shops. It is here the *services* of the state for education that we are considering.

What regulatory functions over education are performed by the state?

Teachers

Accrediting

Tenure

Pensions

Curriculum

To what extent does the state determine what is taught? Are there required courses, required text books, required courses of study?

Does the state exercise any supervisory functions over teaching or the teaching program? Should it?

Does the state accredit schools? On what levels? Private as well as public?

Buildings and Grounds

Does the state specify or require certain types of construction? Amounts of space? Safety requirements?

Health

Does the state supervise health conditions? Where does its administration fall?

Is the state taking leadership in improving education?

Is there a state curriculum? How recently has it been revised? Does the state take leadership in curriculum thinking abreast of the best educational knowledge? Are there curriculum workshops?

Does the state offer aid in school design, equipment design, etc?

Does the state provide a health program? Is it under the educational leadership, or health department? If the latter, how does it tie in administratively?

Does the state offer any special advice or aid in the following fields:

- Preschool—nursery—kindergarten
- Vocational Education
- Recreation and Camp Programs
- Adult Education
- Visual Aids
- Handicapped Children
- Libraries
- Vocational Training
- Mental Hygiene

Is there a state testing program? Does it raise educational standards?

Do you have equality of educational opportunity as far as availability and the amount spent is concerned in your state?

- White—Negro
- Rural—Urban
- Higher Education
- Handicapped Children

Does the state superintendent of education issue a good, readable report annually?

Does the state give financial aid to private schools in any way? Is this desirable?

What responsibility does the state take for preparing teachers?

- Teacher Training Courses
- Normal Schools
- Graduate Schools of Education
- In-service training—Refresher courses

Are your state institutions producing enough superior teachers? (This can be the crux of the problem of improving education.)

What provision is made by the state for scholarships to

higher educational institutions? How many institutions of higher learning are supported entirely or in part by state funds? What control does the state exercise over the administration of such higher educational institutions? Do they offer advanced training in all fields for which there is demand?

Financing Schools

What portion of the state budget is spent on education? What are the sources of funds for the state budget? What proportion of the total amount spent on education comes from local, state, and federal funds? Are there any special taxes or funds used by the state exclusively for education? What federal funds come to the state and to the local school administrative units?

Approximately how much money is distributed by the state to its local administrative units? How does the state distribute funds? Does this method provide for equalizing educational opportunity between wealthy and poor districts within the state?

What is lowest, the average, and the highest cost per pupil of elementary and secondary education within your state? How does this compare with other states?

References:

Alexander, William M., *State Leadership in Improving Instruction*, esp. Chap. II.

Cubberley, Ellwood, *State School Administration*.

Federal State Relations in Education, National Education Association and American Council on Education.

Knight, Edgar W., *Education in the United States*, 2nd revised edition 1941.

Schrammel, Henry E., *The Organization of State Departments of Education*.

Unfinished Business in American Education—An Inventory of Public School Expenditures.

X.

PUBLIC WELFARE

Organization

Are all the state welfare activities under the direction of a state department of welfare? Are some welfare activities carried on by the state health department? Is there a single administrator appointed by and responsible to the governor? If there is an advisory or administrative board, how is it chosen? What is its length of term? What are its duties?

Which state welfare programs are carried on by the local governmental units and which administered at the state level? Are there standards for all welfare activities set by the state? (The state has the responsibility of seeing that the local units conform to the standards set by federal law in order to receive federal support.) Are there district or regional offices of the state agency which supervise the local administration of assistance and welfare services?

Programs

List the welfare activities of your state in addition to the federally assisted programs of aid to the blind, dependent children, aged, crippled children, and maternal and child health. Are all assistance programs available in every political unit throughout the state, and are all applicants for aid treated equally in similar circumstances? Have you considered abolishing residence requirements for eligibility for various types of aid?

Children's Services: What are the requirements to be eligible for aid to dependent children? What are the maximum and minimum amounts available? Do you have any provision for maternal and child care services to those who need them? What child welfare services are available to assist dependent and neglected children or those in danger of becoming delinquent? What

tutions are maintained by the state for dependent children? For delinquent children? For handicapped children?

Aid to the Blind: What are the eligibility requirements? Do you have a rigid residence requirement? What amounts are available for this type of assistance? What services are offered to the blind?

Old-Age Assistance: What persons are eligible? Are restrictions made against those who have relatives who might support them, who are confined in private institutions, who might receive more than one type of assistance in order to meet their needs? Is it possible to supplement inadequate funds? Are non-citizens eligible? Does the state have provisions for recovering assistance paid from the estate of recipients after death?

Medical Care: What provision is made to furnish medical care to those who cannot afford to pay for it? Do they consider only those who cannot support themselves or others who cannot afford medical attention? Does this include other than institutional care? What state institutions or facilities are maintained for tuberculosis, the chronically ill, and as mental hospitals? Are these programs under the state welfare or state health agency?

General Assistance: What funds are available to assist those who do not receive aid or receive insufficient aid from the programs listed above? What are the eligibility requirements? If there is little or no assistance of this kind available at the state level, is it available from local units?

Financing

What proportion of the total state budget is spent on welfare activities? What proportion of the total cost of assistance programs is met by federal, state, and local funds? Do the funds for the different programs come

from different sources? Are ear-marked taxes part of the finance picture for public welfare? See "Fiscal Management" for the over-all handling of state funds.

References:

Characteristics of State Plans—Old-Age Assistance, Aid to the Blind, Aid to Dependent Children.

Stevenson, Marietta, *Public Welfare Administration.*

XI.

THE SYSTEM OF COURTS

What are the different kinds of courts of original jurisdiction in your state (trial courts such as circuit courts, district courts, county courts, probate courts, municipal courts, police courts, justices of the peace or the like) and what are the reviewing courts (that is in most states a supreme court and appellate courts)? If there are appellate courts and a supreme court, what in general is the difference in their jurisdiction? Is there a right of review of decisions of the appellate courts by the Supreme Court and under what conditions? (See "Know Your County" for questions on the courts of original jurisdiction.)

How are the judges for the different courts selected? If appointed, by whom and upon whose nomination? If elected, are they chosen on a partisan basis? What are the advantages of non-partisan appointment of a judge? What are the legal qualifications for judges of the various courts? Has your state ever considered appointing judges but letting them "run against their records" at periodic intervals? (In this case a defeat would mean the position would be declared vacant and would again be filled by appointment.)

What is the geographical basis of selection for the supreme court: the state at large or by districts? If the latter, how are the districts determined, and what is the general opinion of the fairness of the method to the more populous parts of the state?

What is the compensation of the judges of the various courts? If by salary how long have the present salaries been in effect? What is the general opinion of their adequacy to attract and hold well qualified judges? To what extent are judges in the lower ranks compensated by fees? Is this productive of evils?

What are the terms of judges of the various courts? In practice are judges with good records usually reelected

irrespective of party or does their continuance in office depend upon the political party in control? What is the method of impeachment of judges and to what extent is it used?

How are the clerks of the various courts chosen, by election or by the courts served? For what terms? To what extent are the clerks subject to the direction and control of the courts served? Are the deputy clerks and assistants selected and retained upon merit or party allegiance?

Are most cases decided by juries? How general is it for cases to be submitted to the courts for decision without a jury? What is your opinion as to the desirability of trial by the court from the standpoint of justice in comparison with jury trial? What are the legal qualifications for jury service? Are women eligible and if so, are they obligated for jury service like men, or is jury service optional with them as in some states? What are the grounds for exemption from jury service and is it desirable to reduce them? Is the policy of the courts in reference to granting excuses from jury service liberal or strict? How successful is the system in producing jurors who are (1) intelligent (2) impartial (3) representative of the different races and groups of the community?

What is the financial provision for the courts of your state? Does it come from the state or counties or in part from each? How are the amounts determined and what voice do the courts have in the matter? If funds are furnished by the state, on what basis and by whom are they allocated among the courts of the different localities? Is the financial system for the courts generally considered satisfactory; and if not, in what respects does it fall short?

Is the administration of each court independent of the others or is the administration of the various courts of the state coordinated? Is the supreme court or the chief justice given any responsibility to supervise the courts of the state? Is there any provision for a central administrative office, like the Administrative Office of the United

States Courts in the federal system? Is there any means for assigning the judge-power to meet fluctuations in need of the various courts from time to time?

Is there any system of compiling and periodically publishing statistics and information concerning the volume and rate of dispatch of cases in the various courts? Are cases in your courts decided with reasonable promptness or does delay result in substantial hardship?

Does the law in your state give to the courts, particularly through the highest court of review, the power to determine their procedures, a power which in the federal system has been exercised by the Supreme Court?

Is there a judicial council in your state to make a continuing study of the working of the judicial system and recommend improvements in procedure from time to time? How is it composed? How effective is its influence?

Are your courts allowed to give declaratory judgments to prevent confusion in the enforcement of a new law or must they wait until a test case is brought up for decisions? How expensive is the procedure in the courts of your state, including such items as fees payable to the clerk of the court and other officers for bringing or defending suit and the cost of a stenographic report of the proceedings, if necessary? What provision is there, if any, for the payment of these expenses out of public funds for litigants found by the court to be unable to pay them? Is there any provision for compensating at public expense legal counsel appointed by the courts to represent poor persons accused of crime?

References:

Journal of the American Judicature Society—esp. June 1946. Lamar Williamson "A Challenge"—a plan for court organization, and Glenn R. Winter "A Hundred Years of Judicial Administration."

Book of the States, 1941-42, "Judicial Councils," p. 159-160 on "Justice;" also see 1945-46, p. 439.

State Court Systems, September 1940, Council of State Governments.

SELECTED REFERENCES

- Alexander, William M., *State Leadership in Improving Instruction*, esp. Chap. II. Teachers College, Columbia University, Contributions to Education No. 820. Bureau of Publications, Teachers College, Columbia University, New York, 1940.
- Characteristics of State Plans—Old-Age Assistance, Aid to the Blind, Aid to Dependent Children*—Federal Security Agency, Social Security Administration, Bureau of Public Assistance, Washington, D. C., April 1, 1946. For sale by the Superintendent of Documents, Washington 25, D. C. 35¢.
- Cubberley, Ellwood, *State School Administration*, Houghton Mifflin Co., Boston, 1934. \$3.75.
- Book of the States*, Council of State Governments, 1313 E. 60th Street, Chicago, Illinois, 1945-46. \$5.00.
- Book of the States*, 1947 Supplement, \$2.50. (1948-49 edition available January 1, 1948.)
- Buck, A. E., *Reorganization of State Governments in U. S.*, National Municipal League, Columbia University Press, 1938. \$2.50.
- Federal, State, and Local Government Fiscal Relations*, U. S. Senate Document 69, A Report of the Special Committee on Inter-governmental Fiscal Relations, June 1943.
- Federal State Relations in Education*, National Education Association and American Council on Education, 1945, 25¢.
- Groves, W. Brooke, *American State Government*, 3rd edition, D. C. Heath & Co., 1946.
- Hillhouse, A. M. and Muriel Magelssen, *Where Cities Get their Money*, Municipal Finance Officers Association, 1313 E. 60th Street, Chicago, Illinois, 1945, \$5.00.
- Interim and Final Reports of the New York State Joint Legislative Committee on Legislative Methods, Practices, Procedures and Expenditures*, Leg. Document No. 31, 1946, State of New York, free.
- Journal of the American Judicature Society*, esp. June 1946, Lamar Williamson "A Challenge"—a plan for court organization, and Glenn R. Winter "A Hundred Years of Judicial Administration."
- Knight, Edgar W., *Education in the United States*, 2nd revised edition 1941, Ginn & Co., New York, \$3.40.
- Lipson, Leslie, *American Governor*, University of Chicago Press, 1939, \$2.50.
- Legislative Reference Work in the U. S.*, Council of State Governments, June 1939, 50¢.
- MacDonald, Austin, *American State Government and Administration*, Crowell and Company, 1946, \$3.75.
- Pontius, Dale, *State Supervision of Local Government*—Its development in Massachusetts, American Council on Public Affairs, 1942, \$3.25.
- A Model State Civil Service Law*, Civil Service Assembly, 1313 E. 60th Street, Chicago, Illinois, 50¢.

Model State Constitution, National Municipal League, revised 1946.

Our State Legislatures, Council of State Governments, 1313 E. 60th Street, Chicago, Illinois, 1946, Report of the Committee on Legislative Processes and Procedures, \$1.00.

Public Administration Review, quarterly of the American Society for Public Administration, current issues.

Report of Tax Committee, Council of State Governments, 1313 E. 60th Street, Chicago, Illinois, \$1.00.

Schrammel, Henry E., *The Organization of State Departments of Education*, Ohio State University Press, 1926, Columbus, Ohio.

State Court Systems, Council of State Governments, 1313 E. 60th Street, Chicago, Illinois, September 1940.

State Government, published monthly by Council of State Governments, 1313 E. 60th Street, Chicago, Illinois.

State-Local Relations, Report of the Committee on State-Local Relations of Council of State Governments, 1947, \$3.50.

Stevenson, Marietta, *Public Welfare Administration*, The Macmillan Co., 1938, \$2.50.

Unfinished Business in American Education—An Inventory of Public School Expenditures, American Council on Education, Washington, D. C., 1946, \$1.00.

Wartime and Postwar Problems and Policies of the States, Council of State Governments, 1313 E. 60th Street, Chicago, Illinois, May 1944.

White, Leonard D., *Introduction to the Study of Public Administration*, The Macmillan Co., 1939, \$1.40. (Third edition available early in 1948.)

Caldwell, Lynton K., *Perfecting State Administration, 1940-46*, *Public Administration Review*, winter 1947.

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